

Part I

Executive Member: Councillor Perkins

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 4 JANUARY 2018  
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND  
GOVERNANCE

6/2017/2107/FULL

37 CHURCH STREET, WELWYN, AL6 9LS

ERECTION OF 8 X 2 BEDROOM APARTMENTS ARRANGED IN TWO BLOCKS,  
WITH ASSOCIATED PARKING, AMENITY AREAS AND BIN STORES, FOLLOWING  
THE DEMOLITION OF EXISTING 4 BEDROOM HOUSE

APPLICANT: Mr H Tamber

(Welwyn West)

**1 Site Description**

- 1.1 The application site is located at the eastern edge/ boundary of the settlement of Welwyn and can be found on the southern side of Church Street, accessed from the northern/ top-end of Wendover Drive which is to the west side of the site. The site sits on the western corner of the busy roundabout at the junction of the Welwyn Bypass Road to the east of the site which leads to an access slip-road onto the A1(M) and Church Road.
- 1.2 The application site forms the residential curtilage of No.37 Church Street and includes a single-storey detached dwelling set back from the road, which is located towards the centre of the relatively large site. The dwelling is served by a single access drive from the top-end of Wendover Drive which leads to the front of the dwelling, which faces west towards Wendover Drive. The plot consists of an area of approximately 0.15 hectares and is of a semi-circular shape, with the land sloping downwards from the west, front end of the site down to the east rear end of the site, with the dwelling at the centre at a noticeably lower level than Church Street and Wendover Drive. The site is enclosed with relatively low level vegetation to the boundaries, with some taller conifer trees towards the rear of the site.
- 1.3 The wider character of the surrounding area is derived from the existing properties to the south of the site, along Wendover Drive, and Dicket Mead. Properties in this area are generally well spaced, two-storey detached dwellings contributing to the general residential, suburban character. It should however be noted that the application site is opposite The Clock, a recent apartment development, consisting of three storey, modern apartment blocks.

**2 The Proposal**

- 2.1 The proposal seeks planning permission for the demolition of the existing dwelling and the erection of two apartment blocks. Block A would be 1 ½ storeys and would be sited in broadly the same location as the existing dwelling, whilst

Block B would be 2 ½ storey building sited to the rear of Block A. Each block would consist of 4 self-contained apartments resulting in a total of 8 units across the site. The proposal would utilise the same access taken from Wendover Drive leading to a communal parking area consisting of 10 vehicle parking spaces. A small building would be at the entrance to the site and would be used for the storage of refuse. Additionally an area for bike storage would be located to the front of Block A.

2.2 This application follows a previously refused application for the '*Erection of 3no three bedroom dwellings following demolition and replacement of existing dwelling with associated garaging and parking*' under application 6/2015/2342/FULL. The application was refused for the following reasons:

1. *The proposed development constitutes an undesirable form of development by virtue of the cumulative impact of the scale, height, layout and siting of the proposed dwellings which would represent an over intensive form of development that would appear visually over dominant and cramped to the detriment of the character and appearance of the surrounding area. Accordingly the proposal would be a poor quality of design that fails to maintain or enhance the character or appearance of the area, contrary to the National Planning Policy Framework and policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Council's Supplementary Design Guidance; Statement of Council Policy 2005.*
2. *By way of the height, scale, proximity and orientation of proposed Plot 3 in relation to proposed Plot 2, directly south of the rear of Plot 2, the dwelling at Plot 3 would have a significantly detrimental impact on the residential amenity of the Plot 2 by way of being overly dominant and overbearing and by way of causing a significant loss of sunlight to habitable windows at the rear east elevation and the primary rear amenity space at Plot 2. The proposal is therefore of a poor design and of a poor layout, contrary to Policy D1 of the Welwyn Hatfield District Plan 2005, the accompanying Supplementary Design Guidance (February 2005) and the National Planning Policy Framework.*
3. *The applicant has failed to prove to the satisfaction of the Local Planning Authority that due to the location of the application site in close proximity to a number of busy roads, including the A1(M), that the proposed residential development would not be adversely affected by harmful levels of noise, to the detriment of the residential amenity of future occupiers of the development. The proposal would therefore be contrary to the National Planning Policy Framework and Policy R19 of the Welwyn Hatfield District Plan 2005.*

### **3 Reason for Committee Consideration**

3.1 This application is presented to the Development Management Committee because Councillor Markiewicz has an interest in the land.

### **4 Relevant Planning History**

- 4.1 6/2015/2342/FULL - Erection of 3no three bedroom dwellings following demolition and replacement of existing dwelling with associated garaging and parking - Refused 05 February 2016
- 4.2 N6/2015/1486/FULL: Erection of 3 dwellings following demolition and replacement of original dwellings with associated garaging and parking.

Withdrawn on 28th September 2015, prior to recommendation to Development Management Committee.

## **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2012 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016
- 5.4 Supplementary Design Guidance, February 2005 (Statement of Council Policy) (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards, January 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes, August 2014 (Interim Policy)

## **6 Site Designation**

- 6.1 The site lies within the settlement of Welwyn as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

- 7.1 The application was advertised by means of neighbour notification letters. One response was received from 2 Wendover Drive, their comments can be summarised as follows:
  - The site is unsuitable for such a development. While there is adequate space for the housing the proposal for parking and for entrance and exit is unrealistic and impractical;
  - The plan for 10 parking spaces does not conform to the Borough's car-parking standards as published in support of M14. There should be 12 parking spaces, in either case the statement that the forecourt has adequate space for either 10 or 12 cars is, in our opinion, not supportable.
  - Concerns with the width of the entrance and which will lead to queuing both inside the site and from Wendover Drive onto Church Street and Church Street. This peak time congestion risk is a safety hazard.'

## **8 Town / Parish Council Representations**

- 8.1 Welwyn Parish Council objects on the following grounds:

*'Councillors are concerned that a full tree and hedge survey should be undertaken by an arborist. There are also concerns about the increased number of vehicular movements and parking issues this development will create'*

## **9 Consultations Received**

- 9.1 The following have responded advising that they have no objections to the proposal:
  - Hertfordshire County Council Natural Historic & Built Environment,
  - Hertfordshire Ecology

9.2 The following have responded advising they have no objections but request conditions should permission be granted:

- Hertfordshire County Council Fire & Rescue;
- Welwyn Hatfield Borough Council Client Services;
- Welwyn Hatfield Borough Environmental Health;
- Hertfordshire Country Council Transport Programmes and Strategy; and
- Welwyn Hatfield Borough Council Landscapes and Ecology Department.

9.3 Hertfordshire County Council Rights of Way has not responded.

## 10 Analysis

10.1 The main planning issues to be considered are:

1. **Principle of development (SD1, R1, H2, GBSP2 and National Planning Policy Framework (NPPF) and Policy SADM 1 of the Emerging Plan)**
2. **Design and Character of the Development (Policies GBSP2, D1, D2, H6, NPPF and Supplementary Design Guidance (SDG) Parking provision**
  - i. **Provision of Private Amenity**
3. **Impact on residential amenity (D1, R19, R20, SDG and NPPF)**
4. **Parking provision and highway safety (M14, D1, and Supplementary Parking Guidance and Council's Interim Policy for Car Parking Standards and Garage Sizes)**
5. **Noise and Vibration (R19, D1 and NPPF)**
6. **Protection and Retention of Trees (D8, R17 and NPPF)**
7. **Other Material considerations**
  - i. **Protected Species (R11 and NPPF)**
  - ii. **Contaminated Land (R2 and NPPF)**
  - iii. **Refuse (D1 & D2)**
  - iv. **Lifetime Homes (H10)**

### 1. Principle of development

10.2 Saved Policy R1 of the Welwyn Hatfield District Plan requires development to take place on previously used or developed land. Development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land.

10.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value. Gardens and residential curtilages are not classed as previously developed land, having lower priority for development, but that does not mean they cannot be built on in any circumstances. The settlement of Welwyn is defined as an urban area for the purposes of the District Plan. Although gardens/residential curtilages are not a priority for development, the need to make efficient use of urban land remains a policy objective.

10.4 The application site is situated within the existing settlement of Welwyn as outlined in the District Plan. This site has partly been previously been developed and currently comprises a detached, single storey dwelling and garage.

However, residential rear gardens, in accordance with the glossary of the NPPF, are not defined as 'previously developed land'. Paragraph 53 of the NPPF states that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would harm the local area". This statement follows paragraph 48 of the NPPF which has regard to windfall sites "Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens". It is clear that within the NPPF there is some resistance to windfall sites being comprised of residential garden space. However that does not imply that all garden development is automatically viewed as being inappropriate. In this regard it is considered that Local Plan Policies H2, D1 and D2 can sufficiently assess whether any harm will arise as a result of the proposal.

- 10.5 Saved Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:
- i. The availability of previously-developed sites and/or buildings;
  - ii. The location and accessibility of the site to services and facilities by transport modes other than the car;
  - iii. The capacity of existing and potential infrastructure to absorb further development;
  - iv. The ability to build new communities to support infrastructure and provide demand for services and facilities;
  - v. The physical and environmental constraints on development of land.
- 10.6 In addition to this, the provisions of Policy SADM 1 of the emerging Local Plan to Windfall Development are also relevant. That Policy states:
- i. The site is previously developed, or is a small infill site within a town or excluded village. In the Green Belt, Policy SADM 34 will apply;
  - ii. The development will be accessible to a range of services and facilities by transport modes other than the car;
  - iii. There will be sufficient infrastructure capacity, either existing or proposed, to support the proposed level of development;
  - iv. Proposals would not undermine the delivery of allocated sites or the overall strategy of the Plan; and
  - v. Proposals would not result in disproportionate growth taking into account the position of a settlement within the settlement hierarchy.
- 10.7 Therefore whilst some of the site is not previously developed, the site is located within an existing residential area, and as such the infrastructure has been developed to provide good transport links for existing residents. Furthermore, there are no known physical or environmental constraints at this site. There are also services and facilities available within reasonable walking distance of the site.
- 10.8 On balance, it is considered that the principle of residential development is therefore acceptable against the criteria set out in Policies GBSP2, SD1 and H2 of the District Plan and SADM 1 of the Draft Local Plan 2016, subject to an assessment of the scheme against policies governing residential development having regard to design, parking, and means of access as well as amenity of the occupiers of adjoining premises.

## 2. Design and Character of the Development

- 10.9 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 10.10 Furthermore, Policy D1 requires the standard of design in all new development to be of a high quality and Policy D2 requires all new development to respect and relate to the character and context of the area in which it is proposed. It notes that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area. Policy GBSP2 requires that 'within specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character'. The Welwyn Hatfield District Plan Supplementary Design Guidance (SDG) supplements the policies contained in the District Plan.
- 10.11 The application site is located on the edge of the settlement and so the character of the area is derived from its immediate surroundings to the south, which is considered to comprise of a relatively residential, suburban character of two-storey detached dwellings set within generous, spacious plots. Existing properties within this area (Wendover Drive, Church Street) are generally well spaced, with open gaps in between built forms. Although partially screened by boundary vegetation, the application site is within a relatively prominent position, at this entrance to Welwyn. It is noted that 'The Clock' can be seen opposite the site, which is a modern residential development consisting of several three storey flatted blocks. Whilst this development is visible from the application site, the proposed development is considered to relate to the character of properties within Wendover Drive and the surrounding streets, whereas due to the location of the modern development, this is not considered to be applicable due to its self-contained location, separate from other residential development.
- 10.12 The proposal seeks 8 units within 2 separate buildings, Block A would be located in broadly the same location as the existing dwelling and would be 1 ½ storeys achieving an overall height of approximately 5.8m (when viewed from the front elevation) and 6.6m (when viewed from the rear elevation due to the sloping of the land), the building would appear as a chalet bungalow, with bay windows at ground floor level, hipped and gable features to the front and rear elevations and dormer windows. It is also noted that the building would feature a crown roof. Block B would be located approximately 12.7m from block A and due to the sloping of the land the design has resulted in a 2 ½ storey building, achieving an overall height of approximately 8.4m. This building would feature flat roofs, hipped and gable projecting elements. Similar to block A it too would feature a crown roof.
- 10.13 With regards to layout, the arrangement of the proposed development would result in occupiers of Block B requiring access through Block A in order to get from the car park to their accommodation. The lack of an independent access for Block B suggests that there is insufficient space within the site to accommodate the numbers of units proposed.

- 10.14 Presently the existing property benefits from good separation distances to the boundaries of the site, enabling views into the site and of the soft landscaping, creating a sense of space, which is the character of the area of Wendover Drive. Concerns are also raised regarding the proximity of Block A to the boundaries of the site as a distance of approximately 1.3m is retained on either side (at the narrowest point). Block B would be located approximately 3.1m from the southern boundary and 2.3m (narrowest point). Whilst the spacing about Block B is greater than that seen at Block A, it is considered that generally there is a lack of space about the buildings and it is not reflective of the generous spacing seen within Wendover Drive and neighbouring sites. The lack of spacing, either side of Block A and the lack of views into the site would create an awkward relationship within the site. Furthermore this is emphasised by the overall height and scale of the buildings, which would make for over dominant buildings, in particular Block B re-inforce the intensive form of development at the site contributing to a feeling of overdevelopment.
- 10.15 With regard to density, having taken an approximate measurement of the surrounding area to the south of the application site, including the site itself, the density is approximately 13 dwellings per hectare (d.p.h). The proposed development of 8 residential units on this 0.15ha site would represent a density of approximately 53d.p.h. Policy H6 of the District Plan, requires 30 to 50 dwellings per hectare, however this policy states that such densities are only acceptable provided that the development does not have an adverse impact on the character of the surrounding area and can satisfy the design policies of the plan. As previously stated, the existing site has one single storey property, set well back from the road and within a spacious plot, which contributes to the character of the area.
- 10.16 Given the density of the development together with the general layout, design and scale of the proposals, the proposed development would represent the overdevelopment of the site. The development if allowed would be contrary to the established character and appearance of the existing site and the surrounding area.
- 10.17 With regards to the detailed design of the development, the design of the buildings are attempting to be traditional and of a domestic appearance akin to properties within the street scene. However the proportions of the buildings and the architectural details have translated poorly in the design of the new flatted blocks. As such the buildings appear overly fussy with a variety of roof forms and projections, making for an awkward external appearance that is not considered to be in keeping with the character and built forms surrounding the application site. The large sections of flat roofs, demonstrate that the proportions of the buildings are poor and it is not considered to be good practice for flat roofs to be incorporated into the design of buildings that should be of a domestic scale to blend in with the neighbouring units. Furthermore these roof forms would be readily visible within the public realm and from the main road running alongside the site.
- 10.18 The overall appearance of the buildings would appear clumsy and the architectural detailing has not resulted in a well-proportioned and good quality design. Therefore the proposed flatted blocks are considered to represent poor quality design and would fail to comply with policies D1 and D2 of the District Plan.

10.19 Overall the resultant development appears cramped and is the overdevelopment of the site creating a poorly conceived layout which would result in an intrusive form of development that is out of keeping with the established character of the area. Accordingly, the proposal is therefore contrary to Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005, the SDG and the NPPF.

i. Provision of Private Amenity

10.20 Amenity space is generally green space and planting which softens the urban fabric, allows for information leisure and provides a setting for the buildings. The Supplementary Design Guidance makes it clear that all new residential development should provide adequate private gardens commensurate to the new size of the dwellings. Whilst no specific dimensions are stipulated, amenity space should nonetheless be functional and useable in terms of width, depth, shape and orientation.

10.21 Communal amenity space required for flats must be available both for the use of and large enough to accommodate the needs of all residents. It is considered that private amenity space should be provided for the residents of the proposed development. In this instance the areas about the buildings would be the communal garden area and would generally be acceptable. However it is considered that little thought has been made to ensure that the space is useable for all residents as currently the main garden area is a walk way to Block B and therefore consideration needs to be made regarding the way in which the space could actually be used. Whilst there is no reason to refuse the application on lack of amenity space, a condition would be imposed on any grant of permission requiring a detailed landscaping scheme and details of any garden furniture to provide spaces within the garden encouraging the use of such a space.

### **3. Impact on residential amenity**

10.22 With regard to neighbour amenity, this is considered in two parts, firstly the impact on adjoining occupiers and secondly the impact of the scheme on future occupiers of the proposed dwellings. Policy D1 and the Supplementary Design Guidance 2005 (SDG) aim to preserve neighbouring amenity. The SDG sets out the Council's guidelines with regard to residential development for the protection of neighbouring residential amenity and living conditions in terms of overbearing impact, day and sun light, privacy/overlooking and noise.

10.23 With regard to the impact on existing neighbouring occupiers, the site is located next to existing residential development and as such it is considered that the proposal would have most impact to those properties located adjacent to the site within Wendover Drive No's 1, 2 and 1a.

10.24 Block A would be sited approximately 1.5m from the shared boundary with No. 1, which has a garage structure adjacent to the boundary with the host site with the main dwelling set back. It is considered that on the basis that block A is of a similar scale to the existing dwelling, whilst located closer to the boundary, due to the use of the building located within the boundary of No.1, the proposal is not considered to have a detrimental impact on the occupiers of this dwelling to justify a reason for refusal. It is noted that a side facing window can be seen to Block A, that would face the garage within the boundary of No. 1, however it would not give rise to direct overlooking to justify a reason for refusal.



- 10.25 Block B would be sited approximately 3m from the boundary with 1 and 1a Wendover Drive. Due to the design of the building, the element closest to these site boundaries would be 2 ½ storey in scale and set down lower than the remaining part of the building. Due to the slope of the land seen within the site the overall height of this element would be between 6.9m and 8m. Whilst a two storey building is not unacceptable, consideration needs to be made to the proximity and scale of the building in particular to No.1a. Side facing windows can be seen facing the application site and the proposed flank wall, plans show that these side facing windows to No.1a serve a utility and kitchen, however these rooms are served by additional windows. Whilst the proposed block would have side facing windows facing directly towards the neighbouring plot, a condition can be imposed requiring these windows to be obscure glazed to restrict views. It is considered that due to the position of Block B, whilst some overshadowing may result to the side facing windows of the neighbouring dwelling it is not considered to be such that would warrant a refusal of the application.
- 10.26 With regard to the impact of the scheme on future occupiers of the proposed flatted blocks, the proposed layout shows a distance of 13m would be retained (at its closest point). Whilst each block would have windows facing one another, the distance seen is considered to maintain a reasonable relationship that would not be detrimental to the occupiers of those blocks.
- 10.27 Overall the proposed development is considered to maintain an acceptable relationship with neighbouring occupiers and maintain an acceptable relationship within the site, therefore no objections are raised in this regard and the development would be in accordance with policies D1, D2 of the Welwyn Hatfield District Plan 2005 and the NPPF.

#### **4. Parking provision and highway safety**

- 10.28 Whilst the application site is located on Church Street, its vehicular access is taken from Wendover Drive. The development would utilise the existing vehicle access. It is considered that the additional dwellings would be unlikely to represent a severe impact to highway capacity to Church Road or the surrounding network, a view also held by the Highway Authority who have not suggested that any works are required to take place within the Highway.
- 10.29 With regard to parking the plans show 10 parking spaces would be provided within the site. In accordance with the Council's Supplementary Planning Guidance Parking Standards, each two bedroom property would require 1.5 spaces, therefore in total the proposal would require 12 parking spaces. The Design and Access Statement states that 1.2 spaces per unit, and therefore 1 space would be allocated per unit with four left over. It is acknowledged that there is an under provision of 2 parking spaces. However the Council have an Interim Policy for Car Parking Standards and Garage sizes, which states that the car parking standards contained within the Parking Standards (SPG) are guidelines rather than maximums. Therefore applications can be determined on a case by case basis to achieve a sensible level of provision.
- 10.30 The Design Statement submitted alongside the application has an illustration showing 12 parking spaces, however this is not the scheme that has been submitted and therefore will not be considered. It is noted that the site arrangements would allow vehicles to enter and exit the site in a forward gear.

- 10.31 It is acknowledged that the site is located within walking distance of the village centre of Welwyn where amenities and facilities are located. The site is also located close to a main road where public transport can be found. Given the above, and the lack of only two spaces, the proposal is not considered to cause an undue highway safety issues to warrant a refusal on the basis of lack of parking of two spaces.
- 10.32 It is also noted that the site would also benefit from cycle parking, whilst no details have been submitted in relation to this, it is considered that this could be controlled by condition. The applicant should ensure that the cycle spaces are covered and secure.
- 10.33 Overall it is considered that a suitable level of parking would be provided on site and the proposal would not represent a severe impact to highway capacity to justify a refusal of the application. Therefore subject to conditions no objections are raised with regard to policies M14 of the District Plan, SPG and the Interim Policy for Car Parking Standards and Garage Sizes.

## **5. Noise and Vibration**

- 10.34 Policy R19 of the district Plan relates to Noise and Vibration Pollution. Policy R19 states that "Proposals will be refused if the development is likely: (ii) to be affected by unacceptable noise or vibration from other land uses". Given the location of the site, adjacent to a busy roundabout serving various 'B' roads and the location of the A1(M) further to the east of the site, the noise impact of the surrounding roads and traffic is a fundamental consideration in this instance. As such, the application is accompanied by a Noise Assessment by 'Hepworth Acoustics' dated September 2017.
- 10.35 The applicant has submitted additional information during the course of the application in the form of a SAP assessment as requested by Environmental Health. It is considered that the noise assessment and the SAP assessment are acceptable, a view that is held by Environmental Health. Therefore no objections are presented, subject to the inclusion of a condition requiring the noise and ventilation scheme to be implemented and as per the scheme designed by the acoustic consultants and the SAP assessor. On this basis there is no reason to warrant a refusal on noise and vibration issues and therefore the application is considered to comply with policies D1 and R19 of the District Plan.

## **6. Protection and Retention of Trees**

- 10.36 Policy R17 of the District Plan states that 'The Council will seek the protection and retention of existing trees, hedgerows and woodland by use of planning conditions... and tree preservation orders where applicable'. Policy D8 requires that 'all development should include landscaping as an integral part of the overall design...to reflect the strong tradition of urban landscape design in the district'.
- 10.37 The site benefits from mature vegetation along the boundaries of the site which are considered to be important to the general street scene.
- 10.38 Within the site, there is little tree or vegetation cover and none is of any special merit. The main issues relate to the vegetation that is growing around the perimeter of the site, which acts as a screen. It is noted that the vegetation seen is medium to low quality but does provide a function. It is considered that there would be a need to increase vegetation around the perimeter with additional planting to ensure screening is maintained, this is a view maintained by the

Council's Landscape department. As such the two conditions have been recommended should planning permission be permitted. This would include details regarding tree protection measures, any loss or damage to trees or other vegetation around the site could be mitigated with robust replanting, which would be agreed via a landscaping scheme, which again, could be required by a suitable condition in the event of permission being granted. These conditions would be reasonable and the comments are similar to those previously received under the previous application. It is noted that Hertfordshire Ecology commented that there was lack of information regarding landscaping, however this can be controlled via condition. Therefore, no objections are raised with regard to trees and landscaping, in accordance with Policies R17, D8 and D1 of the District Plan and the NPPF.

## **8. Other Material Considerations**

### **i. Protected Species**

10.39 The proposed development would require the demolition of an existing dwelling. However, Hertfordshire Ecology has not raised any objections to the proposed development.

### **ii. Contaminated Land**

10.40 It is reasonable that in the event permission be approved, that a condition be attached requiring that should any unsuspected contamination be found during construction works, that works should cease, further investigations be carried out and that a scheme of remediation be agreed and implemented. This is considered reasonable in order to protect groundwater quality. Intrusive investigations will not necessarily capture all contaminants present, hence the need to keep a watching brief and to appropriately address any new source discovered during excavation and development in accordance with Policy R7 of the District Plan and the NPPF.

### **iii) Refuse**

10.41 Bin provision would need to be provided and the requirement for the site would be 1360 litres and thus this would equate to 4 x 360litre shared refuse containers and 1 set of mini recycling banks. The bin store would be located within the communal car park, close to the access from Wendover Drive. It is considered reasonable to impose a condition requiring details of the bin store to be submitted.

### **v) Lifetime Homes**

10.42 In accordance with Policy H10, the proposed development would need to ensure that a proportion of the proposed units would be built to lifetime homes standard ensuring the creation of accessible housing for all members of the community. This would be an appropriate proportion in line with Policy H10 and would be conditioned in the event of an approval.

### **iv) Fire Hydrant**

10.43 Hertfordshire County Council Fire and Rescue has requested the provision of fire hydrants which should be included within a S106 agreement. The issues raised by the Fire Service would be dealt with under Building regulations. Given that

this is the only request for a S106 it would be reasonable for this to be addressed by way of condition in the event of an approval.

## **11 Conclusion**

- 11.1 Whilst no objections are raised with regard to the principle of the development, by way of the scale, layout and design of the two proposed flatted blocks, the proposal would result in a cramped, overdeveloped site which would fail to retain sufficient gaps and spacing, and would not maintain and enhance the established character and context of the area. Therefore, the proposed development is contrary to policies GBSP2, H2, D1 and D2 of the District plan, the SDG and the NPPF.
- 11.2 No objections are raised with regard to parking/access, landscaping, impact on trees, impacts on protected species, contaminated land and refuse.

## **12 Recommendation**

- 12.1 It is recommended that planning permission be refused for the following reasons:
1. The proposed development constitutes of an undesirable form of development by virtue of the cumulative impact of the scale, layout, design and siting of the proposed flatted blocks, which would represent an over intensive form of development that would appear visually over dominant and cramped to the detriment of the character and appearance of the surrounding area. Lack of space about the buildings is not reflective of the spacious character of the area. Additionally the detailed design of the buildings would appear over complicated and fussy, making for an awkward external appearance, detracting from the appearance of the development and would not be in keeping with the character of the area. Furthermore the large sections of flat roofs, demonstrate that the proportions of the buildings are poor. Accordingly the proposed development would be detrimental to the character and appearance of the application site, street scene and visual interest of its surroundings contrary to the National Planning Policy Framework and policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005 and the Council's Supplementary Design Guidance; Statement of Council Policy 2005.

### **SUMMARY OF REASONS FOR REFUSAL**

The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

### **REFUSED DRAWING NUMBERS:**

Drawing numbers: 1913cv-01, 807, LC-2613-01 dated 19<sup>th</sup> September 2017, PL02-001 Revision A, PL02-021 Revision A, PL02-031 Revision A, PL02-102, PL02-121 Revision A, PL02-131 Revision A, 015-pl02-41 Revision C, PL02-251, 015-00-003 Revision A, 00-001 dated 25<sup>th</sup> September 2017, PL02-101, 015-PL02-042 27<sup>th</sup> September 2017

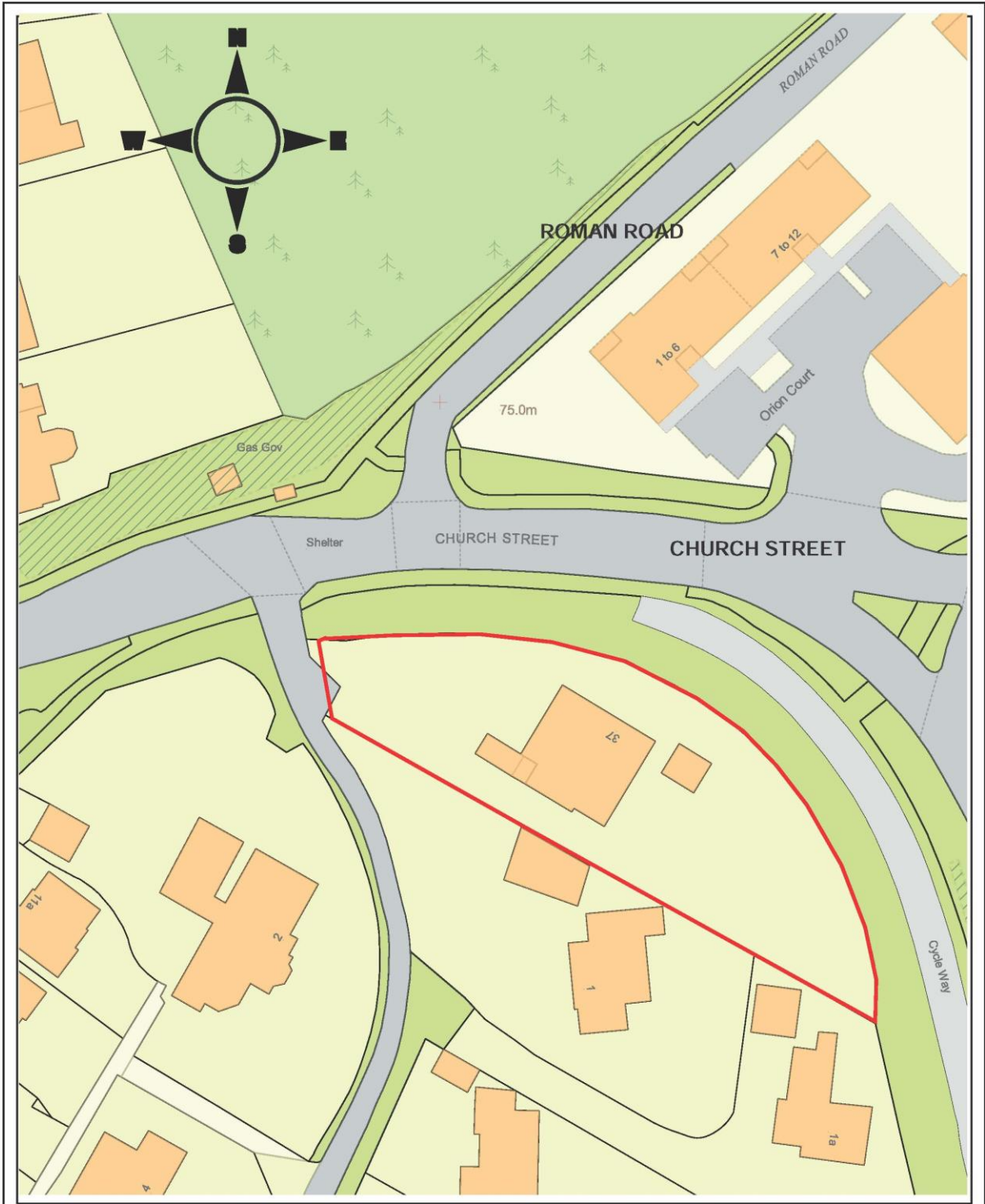
### **INFORMATIVES**

1. The applicant should be aware that the fenestration pattern shown on the proposed elevation plans differs to that seen on the submitted floor plans.

Rachael Collard (Development Management)

Date of Expiry: 22/11/2017

Time Extension: 05/1/2018



Council Offices, The Campus  
Welwyn Garden City, Herts, AL8 6AE

Title: 37 Church Street Welwyn

Scale: DNS

Date: 2018

Project: DMC Committee

Drawing Number:  
6/2017/2107/FULL

Drawn: Ida Moesner

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